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REMARKS

Claims 40, 42-50, and 53 are pending in the present application. Applicant requests that this Amendment be entered, amending claims 40, 42-49, and 53. No claims have been added or cancelled herein, and no new matter is added.

Claim Rejections – 35 U.S.C. § 112

Claims 42 and 53 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, Applicant has amended claims 42 and 53 to remove the reference to T_1 being the second predetermined transmittance. In those claims, T_1 is now defined only as T_1/T_2 . In light of these amendments, Applicant respectfully suggests that this ground for rejection has been overcome.

Claim Rejections – 35 U.S.C. § 103

Claims 40 and 44-50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Doi et al. (U.S. Patent No. 5,527,647, hereinafter "Doi"), in view of Tanaka et al. (U.S. Publication No. 2002/0022184, hereinafter "Tanaka") and either Hasegawa et al. (U.S. Patent No. 6,677,107, hereinafter "Hasegawa") or Itoh (U.S. Publication No. 2003/0184721, hereinafter "Itoh"), further in view of either Dove et al. (U.S. Patent No. 5,939,225, hereinafter "Dove") or Mitsui et al. (U.S. Patent No. 6,242,138, hereinafter "Mitsui"), and further in view of Chen (U.S. Patent No. 6,274,281, hereinafter "Chen").

Claims 42-43 and 53 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Doi, in view of Tanaka and either Hasegawa or Itoh, further in view of either Dove or Mitsui,

further in view of Chen, and further in view of Jin et al. (U.S. Patent No. 6,524,755, hereinafter "Jin").

In response, Applicant has amended the claims and respectfully asserts that the cited art does not show, alone or in combination, the invention as now claimed in independent claim 40 and independent claim 53, that is, a method of making an attenuating and phase-shifting mask by obtaining a mask blank having a transparent layer and an attenuating and phase-shifting (attPS) layer and prefabricated for use with light of a first wavelength, and patterning and adopting the prefabricated mask blank by reducing the thickness of the attPS layer and forming clear areas having the transparent layer and a reduced portion of the attPS layer.

The remaining pending claims depend from independent claim 40 and are therefore distinguishable from the cited art for the same reason.

In light of these amendments and remarks, Applicant respectfully suggests that this ground for rejection has been overcome.

Specification

In the Office Action, the Examiner objected to informalities the use of the word "fabricator" instead of the term "mask fabricator." In response, Applicant has amended this term as suggested by the Examiner (8 occurrences).

In addition, the Examiner objected to the definition of T_1 in paragraph [0028] at line 22. In response, Applicant has amended that definition to clearly reflect that T_1 represents the transmittance through line-A relative to the transmittance through line-B (that is, T_1 divided by T_2).

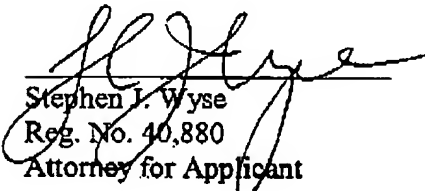
In light of these amendments, Applicant believes that the Examiner's objections to the specification have been overcome.

In view of the above, Applicant respectfully submits that this response complies with 37 C.F.R. § 1.116. Applicant further submits that the claims are in condition for allowance. No new matter has been added by this amendment. If the Examiner should have any questions, please contact Applicant's attorney at the number listed below. No fee is believed due in connection with this filing. However, in the event that there are any fees due, please charge the same, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date


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